

EXHIBIT 4

From: [Baggio, Alex](#)
To: [Eric Bravo](#); [Helland, Matthew](#); [Stender, Kayla](#)
Cc: [Joseph Gerling](#); ["Christopher Wesierski"](#); ["Laura Barns"](#); katherton@WZLLP.COM
Subject: RE: Ganci v. MBF Inspection - Plaintiff Deposition Availability
Date: Wednesday, March 01, 2017 10:12:16 AM

Eric,

On Plaintiffs' deposition availability, we provided days where the individuals identified could be in the same location between March 20th–April 7th that we are able cover. If you cannot make these work, please let us know what dates you can. This will make providing options a more realistic proposition than trying to identify multiple weeks and locations that work for the deponents and us. The fact of the matter is, there don't appear to be locations where we will have six plaintiffs for deposition in a day, and we think it's best if Defendant moves off that notion. Given the short timeline you previously requested for the depositions, it might make sense to have a call instead of going back and forth on emails. We are available tomorrow at 9:00 EST/10:00 CST/11:00 PST to discuss.

Concerning Mr. Hollier, he filed his consent form on November 14, 2016, putting his three-year statute of limitations outside the time he worked for MBF absent tolling. Since no tolling agreement or order is in place at this time, we would recommend choosing a different individual as a possible deponent. We can identify possible replacements if you prefer.

Alex



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From: Eric Bravo [<mailto:ebravo@lanealton.com>]
Sent: Monday, February 20, 2017 11:09 AM

To: Baggio, Alex; Helland, Matthew; Stender, Kayla
Cc: Joseph Gerling; 'Christopher Wesierski'; 'Laura Barns'; katherton@WZLLP.COM
Subject: RE: Ganci v. MBF Inspection - Plaintiff Deposition Availability

Counsel:

1) While I have not completed a formal Response to *Plaintiffs' Second Set of Interrogatories*, I have gathered the information requested therein, regarding all MBF inspection personnel who performed work in Ohio since Oct. 30, 2012. The information is set forth in the enclosed spreadsheet. I will follow up with a Response to the Interrogatories, which will include a Bates-numbered .pdf version of the attached;

2) As to Alex's email below, MBF plans on having 2 attorneys conducting depositions of about 2 and 1/2 hours each, thus allowing up to 6 depositions per day, and accommodating multiple depositions on the same day in different locations if needed.

Thank you for the offered deposition dates for the plaintiffs listed below. I was hoping, though, you would offer more than merely 4-5 dates for each person, which is overly restrictive and greatly hampers to ability to schedule the depositions. The goal of having plaintiffs timely deposed will be easier to reach if we have more dates to choose for the deponents; for one, this would reduce the number of conflicts between counsels' schedules and the offered deposition dates, and for another, it might increase the number of dates deponents will be located near one another. MBF thus would like to receive additional available deposition dates for the plaintiffs listed below, and a comparable number of available dates for those plaintiffs for whom dates have not yet been disclosed.

As for Louis Hollier, MBF's employment records (shared with you, of course) show that while he began working for MBF before the Sept. 20, 2013 start of the applicable 3-year period, his work span included Sept. 20, 2013 through Oct. 18, 2013, within the applicable period. If you believe differently, please let me know. If I am right, and if he will continue as a plaintiff, MBF does wish to depose him.

I look forward to hearing from you on these matters.

-- Eric

Eric Bravo

Attorney

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From: Baggio, Alex [<mailto:abaggio@nka.com>]

Sent: Friday, February 17, 2017 3:07 PM

To: Eric Bravo <ebravo@lanealton.com>; Joseph Gerling <jgerling@lanealton.com>

Cc: Helland, Matthew <helland@nka.com>; Stender, Kayla <kstender@nka.com>

Subject: Ganci v. MBF Inspection - Plaintiff Deposition Availability

Eric and Joe,

We have reached out to the opt-ins Defendant identified for their deposition availability. Here are potential dates and locations that we are able to provide at this point:

- Larry Lunsford, Gary Marshall, Jeffrey Schild: March 21–22 or March 28–29 in Pecos, TX
- Gary Brooks, Richard Gill: March 29–31 in Bismark, ND
- Charles King, Robert Nichols: Week of April 3–7 in Houston, TX
- Ted Nunez: Week of April 3–7 in Canton, OH

- Michael Sheperd: Week of April 3–7 in Evansville, IN

For cities with multiple proposed deponents, please let us know if you plan on taking 2 or 3 depositions a day, as this may affect availability. Also, if Defendant would like to have multiple depositions occur on the same day in different locations, we may be able accommodate this request.

Concerning Louis Hollier, it appears he worked outside the 3-year statute of limitations absent tolling. Please let us know if you still wish to depose him.

We will send you updated availability and locations as we get more information.

Alex



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